

2009 DRAFTING REQUEST

Bill

Received: **07/27/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Black@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibit lead wheel weights

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 07/31/2009	bkraft 08/17/2009		_____			State
/1	csundber 09/18/2009	bkraft 09/18/2009	rschluet 08/18/2009	_____	cduerst 08/18/2009		State
/2			mduchek 09/18/2009	_____	sbasford 09/18/2009	cduerst 10/19/2009	

FE Sent For:

<END>

↳ At Intro.

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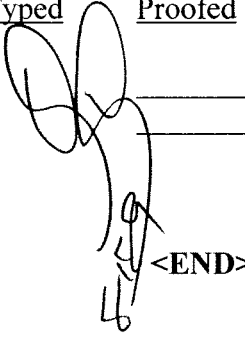
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/?	csundber	/1 bjk 8/n					

FE Sent For:

<END>

Sundberg, Christopher

From: Rep.Black
Sent: Tuesday, July 21, 2009 10:44 AM
To: Sundberg, Christopher
Cc: Zimmerman, Terri
Subject: Drafting request

Attachments: ME-PUBLIC125 (2).pdf; WA-1033-S SL.pdf

TO Christopher Sundberg
FR Spencer Black
RE Drafting of bill prohibiting lead wheel weights

I would like to draft legislation that will ban lead in wheel weights. Since you drafted AB 299, I thought you would be the drafter on this. If not, please forward to the appropriate drafter.

The purpose of this legislation is to require ban the use of lead in wheel weights. Attached are copies of similar bills passed by Washington and Maine for your reference.

The legislation should ban the sale of new automobiles with lead wheel weights attached; it should ban the sale of wheel weights made from lead; it should ban the use of lead wheel weights when replacing or balancing a tire; and, no person should intentionally attach lead weights to his vehicle.

Any person that receives lead weights when he replaces or balances tires shall recycle the lead weights.

The effective date should be one year following the bill's publication.

The penalty for violating the restriction on the sale and use of lead wheel weights could mirror similar penalties for mercury products or similar restrictions.

Thanks for your help. Call with questions.



ME-PUBLIC125
(2).pdf (8 KB)



WA-1033-S SL.pdf
(16 KB)

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**An Act To Protect the Public Health and the Environment by
Prohibiting the Sale of Wheel Weights Containing Lead or Mercury**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1606-A is enacted to read:

§ 1606-A. Wheel weights

1. Tire service. Beginning January 1, 2011, when replacing or balancing a tire on a motor vehicle required to be registered under Title 29-A, chapter 5, a person may not use a wheel weight or other product for balancing motor vehicle wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

2. Sales ban. Except as provided in subsection 3, beginning January 1, 2011, a person may not sell or offer to sell or distribute weights or other products for balancing motor vehicle wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product.

3. New motor vehicles. Beginning January 1, 2012, a person may not sell a new motor vehicle that is equipped with a weight or other product for balancing motor vehicle wheels if the weight or other balancing product contains lead or mercury that was intentionally added during the manufacture of the product. For purposes of this subsection, "new motor vehicle" means a motor vehicle that is required to be registered under Title 29-A, chapter 5 that has not been previously sold to any person except a distributor, wholesaler or motor vehicle dealer for resale.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

ENGROSSED SUBSTITUTE HOUSE BILL 1033

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By House Environmental Health (originally sponsored by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood, and Dickerson)

READ FIRST TIME 01/23/09.

1 AN ACT Relating to requiring the use of alternatives to lead wheel
2 weights that reduce environmental health impacts; adding a new chapter
3 to Title 70 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Environmental health hazards associated with lead wheel weights
7 are a preventable problem. People are exposed to lead fragments and
8 dust when lead wheel weights fall from motor vehicles onto Washington
9 roadways and are then abraded and pulverized by traffic. Lead wheel
10 weights on and alongside roadways can contribute to soil, surface, and
11 groundwater contamination and pose hazards to downstream aquatic life.

12 (2) Lead negatively affects every bodily system. While it is
13 injurious to people of all ages, lead is especially harmful to fetuses,
14 children, and adults of childbearing age. Effects of lead on a child's
15 cognitive, behavioral, and developmental abilities may necessitate
16 large expenditures of public funds for health care and special
17 education. Irreversible damage to children and subsequent expenditures
18 could be avoided if exposure to lead is reduced.

(3) There are no federal regulatory controls governing use of lead wheel weights. The legislature recognizes the state's need to protect the public from exposure to lead hazards.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Environmentally preferred wheel weight" means any wheel weight used for balancing motor vehicle wheels that do not include more than 0.5 percent by weight of any chemical, group of chemicals, or metal of concern identified by rule under chapter 173-333 WAC.

(3) "Lead wheel weight" means any externally affixed or attached wheel weight used for balancing motor vehicle wheels and composed of greater than 0.1 percent lead by weight.

(4) "Person" includes any individual, firm, association, partnership, corporation, governmental entity, organization, or joint venture.

(5) "Vehicle" means any motor vehicle registered in Washington with a wheel diameter of less than 19.5 inches or a gross vehicle weight of fourteen thousand pounds or less.

NEW SECTION. **Sec. 3.** (1) On and after January 1, 2011, a person who replaces or balances motor vehicle tires must replace lead wheel weights with environmentally preferred wheel weights on all vehicles when they replace or balance tires in Washington. However, the person may use alternatives to lead wheel weights that are determined by the department to not qualify as environmentally preferred wheel weights for up to two years following the date of that determination, but must thereafter use environmentally preferred wheel weights.

(2) A person who is subject to the requirement in subsection (1) of this section must recycle the lead wheel weights that they remove.

(3) A person who fails to comply with subsection (1) of this section is subject to penalties prescribed in section 5 of this act. A violation of subsection (1) of this section occurs with respect to each vehicle for which lead wheel weights are not replaced in compliance with subsection (1) of this section.

(4) An owner of a vehicle is not subject to any requirement in this section.

1 NEW SECTION. **Sec. 4.** (1) The department shall achieve compliance
2 with section 3 of this act through the enforcement sequence specified
3 in this section.

4 (2) To provide assistance in identifying environmentally preferred
5 wheel weights, the department shall, by October 1, 2010, prepare and
6 distribute information regarding this chapter to the maximum extent
7 practicable to:

8 (a) Persons that replace or balance motor vehicle tires in
9 Washington; and

10 (b) Persons generally in the motor vehicle tire and wheel weight
11 manufacturing, distribution, wholesale, and retail industries.

12 (3) The department shall issue a warning letter to a person who
13 fails to comply with section 3 of this act and offer information or
14 other appropriate assistance. If the person does not comply with
15 section 3(1) of this act within one year of the department's issuance
16 of the warning letter, the department may assess civil penalties under
17 section 5 of this act.

18 NEW SECTION. **Sec. 5.** (1) An initial violation of section 3(1) of
19 this act is punishable by a civil penalty not to exceed five hundred
20 dollars. Subsequent violations of section 3(1) of this act are
21 punishable by civil penalties not to exceed one thousand dollars for
22 each violation.

23 (2) Penalties collected under this section must be deposited in the
24 state toxics control account created in RCW 70.105D.070.

25 NEW SECTION. **Sec. 6.** The department may adopt rules to fully
26 implement this chapter.

27 NEW SECTION. **Sec. 7.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
32 a new chapter in Title 70 RCW.

Passed by the House April 16, 2009.

Passed by the Senate April 13, 2009.

Approved by the Governor April 28, 2009.

Filed in Office of Secretary of State April 29, 2009.



lv: 7/31/09

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3199

CTS:.....

RMNR

bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL

d-note

SA
x-ref

- 1 AN ACT ^{gen.}...; relating to: prohibiting the installation, sale, and distribution of lead
2 wheel weights and other wheel balancing products. that contain lead

Analysis by the Legislative Reference Bureau

This bill prohibits the installation, when replacing or balancing a tire on a motor vehicle, of a wheel weight or other wheel balancing product that contains lead, if the lead was intentionally added during the manufacture of the weight or other product. The bill also prohibits the sale or distribution of such a weight or other product.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 100.277 of the statutes is created to read:
4 **100.277 Lead wheel weights prohibited.** (1) No person may install a wheel
5 weight or other wheel balancing product that contains lead when the person replaces
6 or balances a tire on a motor vehicle, if the weight or other balancing product contains

1 lead that was intentionally added during the manufacture of the weight or other
2 product.

3 (2) No person may sell or distribute a wheel weight or other wheel balancing
4 product that contains lead that was intentionally added during the manufacture of
5 the product.

6 **SECTION 2. Effective date.**

7 (1) This act takes effect on the first day of the 13th month beginning after
8 publication.

9 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3199/1dn

CTS:.....

Lbjk

Date

Representative Black:

Please review this draft carefully to ensure it is consistent with your intent.

Should the draft specify the kinds of motor vehicles to which the prohibition does or does not apply?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3199/1dn
CTS:bjk:rs

August 18, 2009

Representative Black:

Please review this draft carefully to ensure it is consistent with your intent.

Should the draft specify the kinds of motor vehicles to which the prohibition does or does not apply?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9/18

Ashley/Black

Redraft LRB-3199/2 : include semi trucks.



In: 9/18/09 Wanted: soon

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3199/0 PMNR

CTS:bjk:rs

2 e
L stays

2009 BILL

SA

NO 11 (1) In this section, "motor vehicle" means a motor vehicle required to be registered under ch. 341. (2) B

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2 installation, sale, and distribution of wheel weights and other wheel balancing
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BILL

SECTION 1

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8 publication.

9 (END)

Duerst, Christina

From: Zimmerman, Terri
Sent: Monday, October 19, 2009 3:24 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3199/2 Topic: Prohibit lead wheel weights

Please Jacket LRB 09-3199/2 for the ASSEMBLY.